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5/28/02
D.L.B.

THE U.S. PATENT AND TRADEMARK OFFICE

April 1, 2002

Commissioner of Patents and Trademarks
Washington, D.C.
United States
20231

IN APPLICATIONS: ERGONOMIC HANDLE
APPLICATION NO.: 09/425,743
FILING DATE: 10/22/1999
APPLICANT: VAES
PRIMARY EXAMINER: GRAHAM, GARY K.
OTHER EXAMINER:
ART UNIT: 1744
DOCKET NO.: 300P4

RECEIVED

MAY 21 2002

TC 1700

10/22/99

AFFIDAVIT OF PRIOR INVENTION UNDER
37 C.F.R. 1.131

I, ED VAES make oath and say as follows:

I am the applicant in the above mentioned application and have received communication from the Examiner, namely Gary Graham, dated March 21, 2002, Paper No. 4 in which he has cited against our application, US Patent No.: Des. 412,618 by Parker et al which was filed on December 1, 1998.

I hereby claim a prior invention date by virtue of our Canadian patent application 1998-2600 filed October 22, 1998 which depicts the identical subject matter contained in our application 09/425,743 filed on October 22, 1999.

Now shown to me and included as Exhibit "A" to this my affidavit is a certified copy of the application received from the Canadian Patent Office indicating that our application was filed on October 22, 1998 under Application No.: 1998-2600. The Examiner will note that Figures 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the present application are identical to Figures 14, 15, 16, 17, 18, 19, 20, 21 and 22 of the Canadian Application 1998-2600 filed October 22, 1998 with the Canadian Patent Office.

Therefore, our date of invention is prior to the filing date of Parker et al in US Patent No.: 412,618 and therefore, this patent should not be cited against our application.

SWORN BEFORE ME in the City of)
Hamilton, in the Province of Ontario,)
Canada)
this 9 day of May , 2002.)

Mark Koch)
Notary Public: Mark A. Koch)


ED VAES

F:\WPMARK\PAT\300P4.AF1

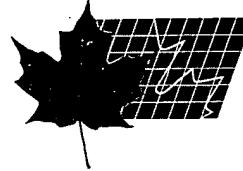
Schedule "A"

This is Exhibit "A" mentioned and
referred to in the Affidavit of

sworn before me this 9 day of
May, 2002.



A Commissioner, etc.



Dessin industriel

Certification

Le(la) soussigné(e) certifie par la présente que le document ci-joint est une copie authentique.

Demande d'enregistrement de dessin industriel no 1998-2600 telle que déposée le 22 octobre 1998 incluant douze (12) pages de dessins.

Industrial Design

Certification

The undersigned hereby certifies that the attached document is a true copy of:

Industrial design application no. 1998-2600 as filed on October 22nd, 1998 including twelve (12) sheets of drawings).

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TC 1700

Émis - Le 12 avril 1999.

Issued - April 12, 1999

Lise Desaulniers
Agent certificateur / Certifying Officer



Industrie
Canada Industry
Canada

(CIPO 180)

Canada

Industrie Canada

Industry Canada

CANADA: INDUSTRIAL DESIGN

Our File:300p2

Application No.:

Copyright and Industrial
Designs Branch
50 Victoria Street
Place du Portage 1
Hull, Quebec K1A 0C9
Telephone: (819) 997-1725
Facsimile: (819) 953-6977

**DEMANDE D'ENREGISTREMENT APPLICATION FOR REGISTRATION
D'UN DESSIN INDUSTRIEL OF AN INDUSTRIAL DESIGN**

Le demandeur,

The Applicant, **CHRIS TAPLEY & ED VAES**
(nom du demandeur - name of applicant)

dont l'adresse complete est

whose completed address is **233 Avondale Street, Hamilton, Ontario L8L 7C4**

demande l'enregistrement d'un dessin pour un(e)

hereby requests registration of a design for a **PAINT BRUSH HANDLE**

dont le demandeur est le proprietaire.

of which the applicant is the proprietor.

A la connaissance du proprietaire, personne d'autre que le premier proprietaire du dessin n'en faisait usage
The design was not, to the proprietor's knowledge, in use by any person other than the first proprietor at the

lorsque celui-ci en a fait le choix
time the design was adopted by the first proprietor.

Description du dessin:

Description of the design:

**The design consists of the features of shape, ornament, pattern and configuration of
the entire PAINT BRUSH HANDLE shown in the drawings.**

Esquise(s)/photographie(s) du dessin est (sont) incluse(s).

Drawing(s)/photograph(s) of the design is (are) included.

**The drawings show six variants of one design which do not differ substantially from
each other. Figures 1,2, 14 and 15 show the first variant, Figures 3, 4, 10, 11, 16, 17, 23, and
24 the second variant and Figures 5, 6, 18, and 19 the third variant, Figures 7 and 20, the
fourth variant, Figures 8, 12, 13, 21, 25, and 26 the fifth variant and Figures 9 and 22 , the**

sixth variant.

Figure 1 is top plan view of the paint brush handle showing our new design.

Figure 2 is a side elevational view of the paint brush handle shown in Figure 1.

Figure 3 is a top plan view of the paint brush handle showing our new design.

Figure 4 is a side elevational view of the paint brush handle shown in Figure 3.

Figure 5 is top plan view of the paint brush handle showing our new design.

Figure 6 is a side elevational view of the paint brush handle shown in Figure 5.

Figure 7 is a side elevational view of the paint brush handle showing our new design.

Figure 8 is a side elevational view of the paint brush handle showing our new design.

Figure 9 is a side elevational view of the paint brush handle showing our new design.

Figure 10 is a top perspective view of the paint brush handle depicted in Figure 3, 4 and 11.

Figure 11 is a bottom perspective view of the paint brush handle depicted in Figure 3, 4 and 10.

Figure 12 is a top perspective view of the paint brush handle depicted in Figure 8 and 13.

Figure 13 is a bottom perspective view of the paint brush handle depicted in Figure 8 and 12.

Figure 14 is top plan view of the paint brush handle showing our new design.

Figure 15 is a side elevational view of the paint brush handle shown in Figure 14.

Figure 16 is a top plan view of the paint brush handle showing our new design.

Figure 17 is a side elevational view of the paint brush handle shown in Figure 16.

Figure 18 is top plan view of the paint brush handle showing our new design.

Figure 19 is a side elevational view of the paint brush handle shown in Figure 18.

Figure 20 is a side elevational view of the paint brush handle showing our new design.

Figure 21 is a side elevational view of the paint brush handle showing our new design.

Figure 22 is a side elevational view of the paint brush handle showing our new design.

Figure 23 is a top perspective view of the paint brush handle depicted in Figure 16, 17 and 24.

Figure 24 is a bottom perspective view of the paint brush handle depicted in Figure 16, 17 and 23.

Figure 25 is a top perspective view of the paint brush handle depicted in Figure 21 and 26.

Figure 26 is a bottom perspective view of the paint brush handle depicted in Figure 21 and 25.

Signe a
Signed at City of Hamilton, Ontario, Canada on Oct, 20. 1998
(lieu-place) (date)


(Signature - Signature of)

Demandeur/Applicant

Mandataire du demandeur/Agent for the applicant

Lorsque le demandeur n'a pas de
bureau ou d'établissement au Canada,
le nom et l'adresse de son
**REPRESENTANT AUX FINS DE
SIGNIFICATION** doit être indiqué.

Where an applicant has no office or
place of business in Canada, the name
and address of a **REPRESENTATIVE
FOR SERVICE** must be provided.

Mark Arthur Koch

Nom du représentant - Name of Representative

866 Main Street East, Hamilton, ON L8M 1L9

Adresse du représentant - Address of representative

Tel: (905) 549-5880 Fax: (905) 545-2800

300pl.dnl

FIGURE - 1

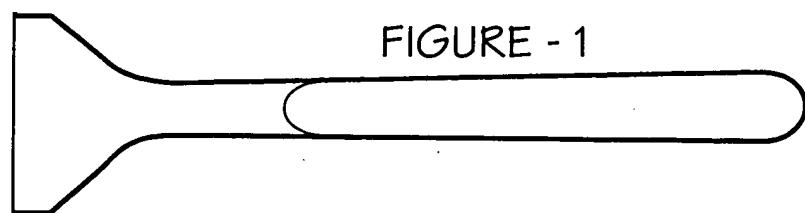


FIGURE - 2

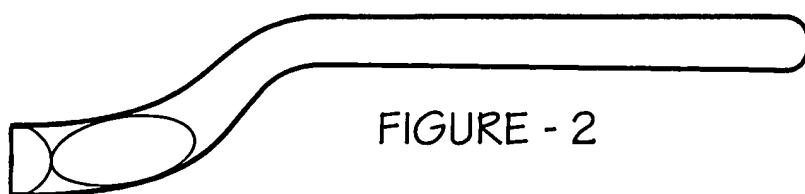


FIGURE - 3

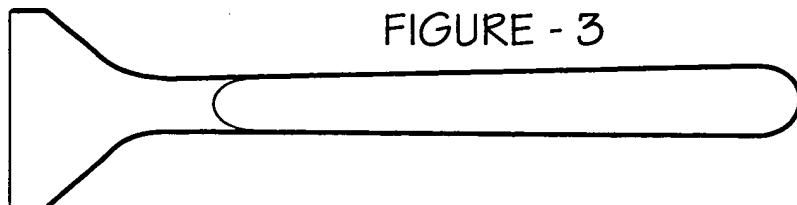


FIGURE - 4

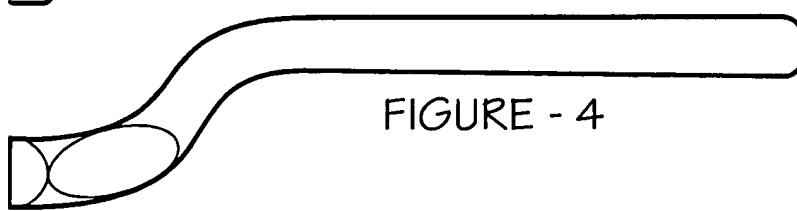


FIGURE - 5

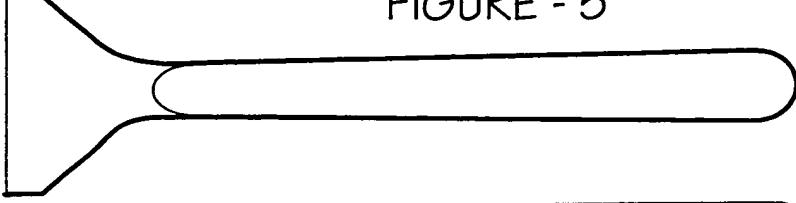


FIGURE - 6

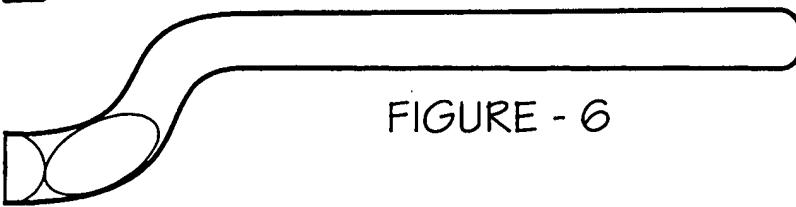


FIGURE - 7



FIGURE - 8

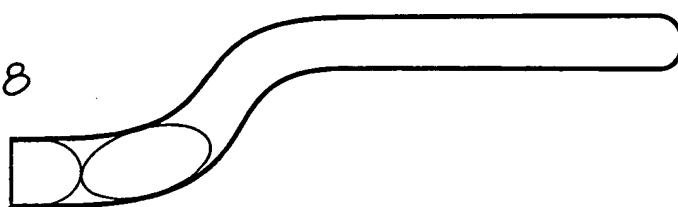


FIGURE - 9

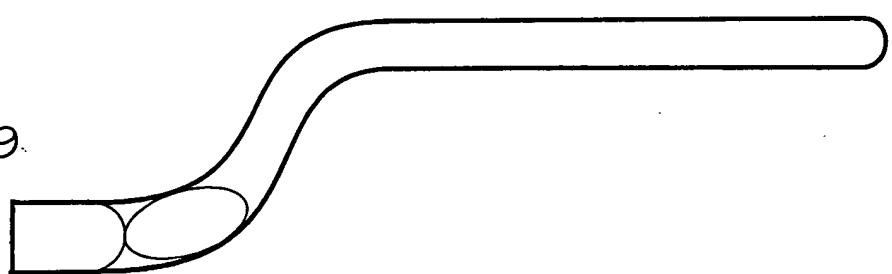
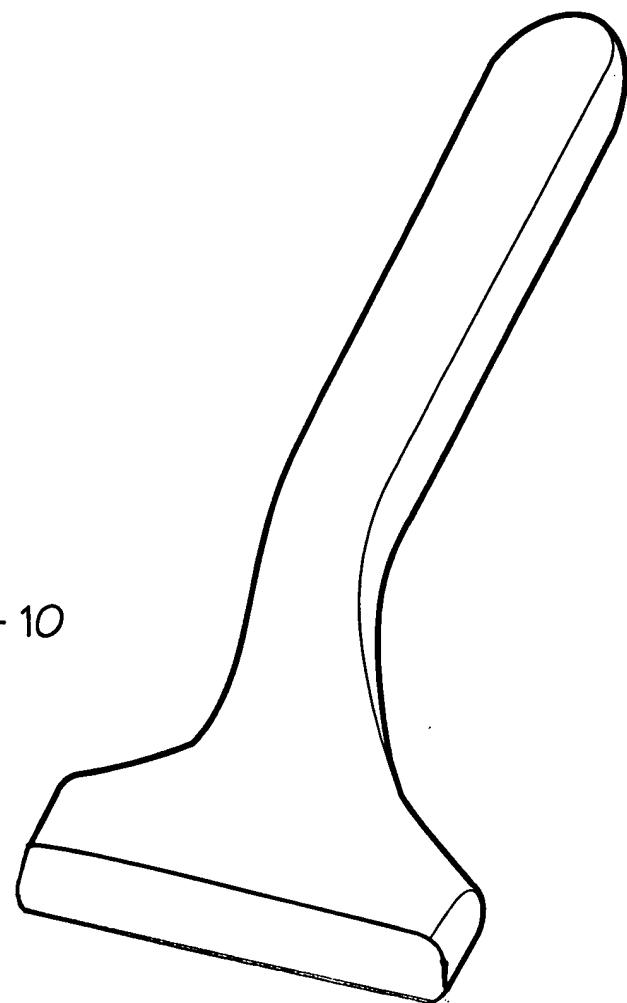


FIGURE - 10



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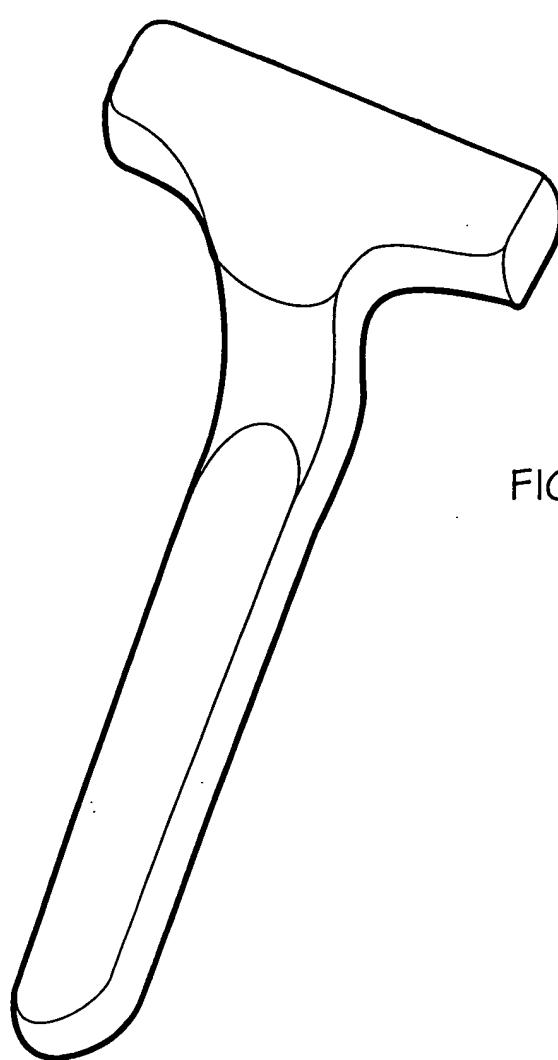
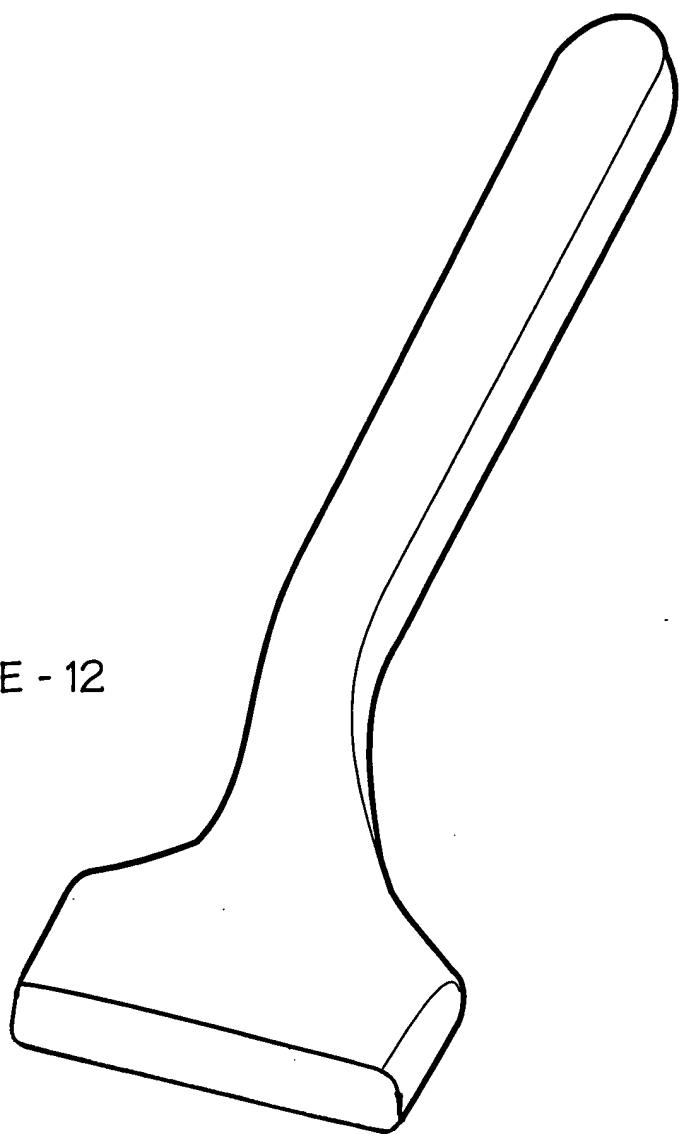


FIGURE - 11

FIGURE - 12



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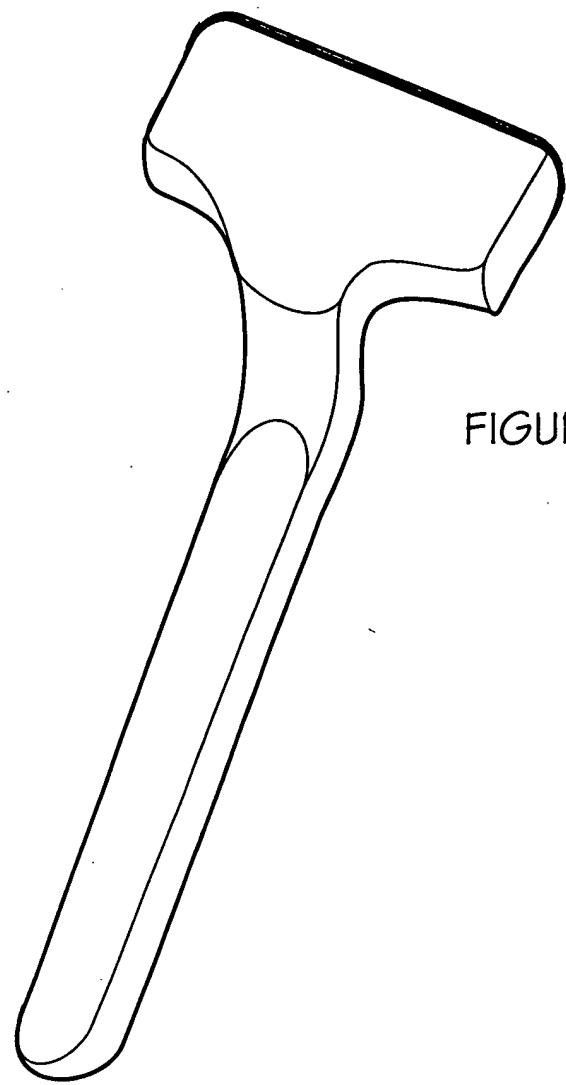


FIGURE - 13

1998-2600

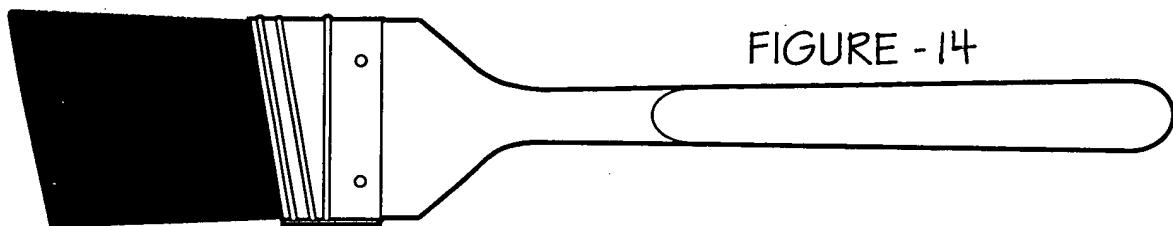


FIGURE - 14

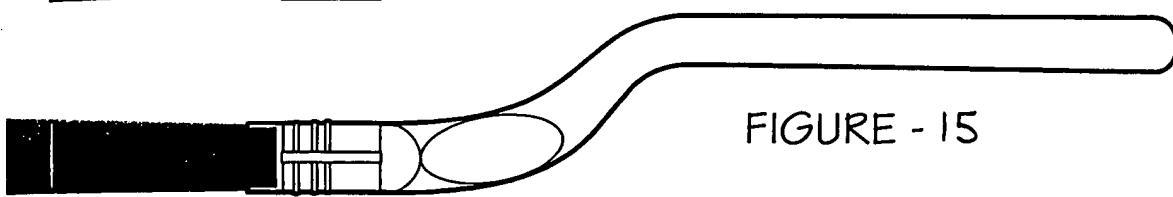


FIGURE - 15

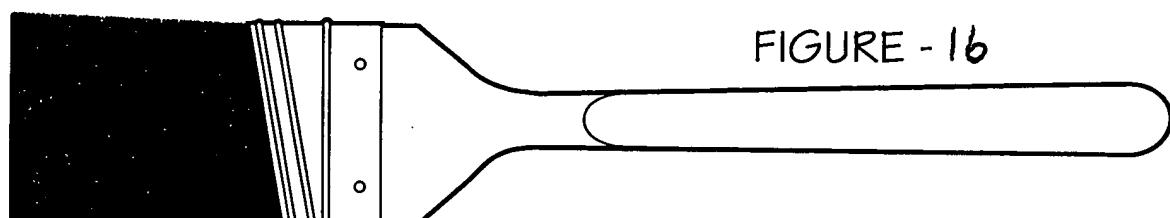


FIGURE - 16

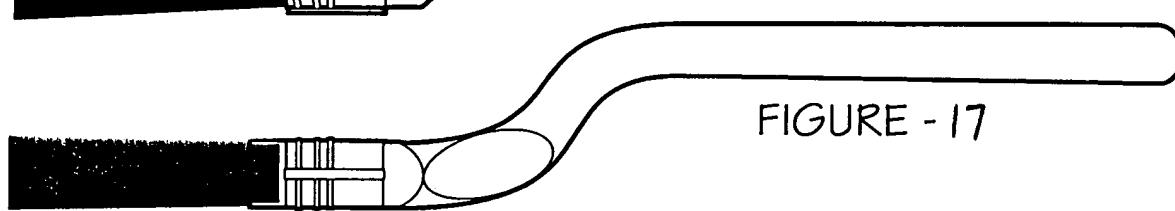


FIGURE - 17

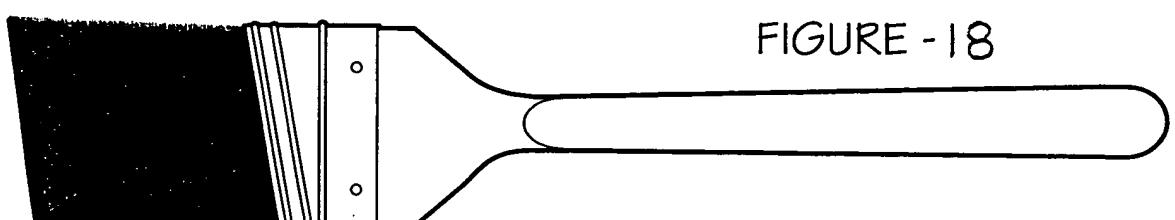


FIGURE - 18

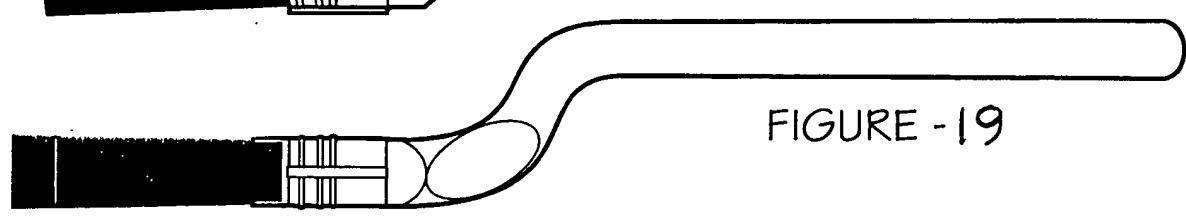


FIGURE - 19

FIGURE - 20

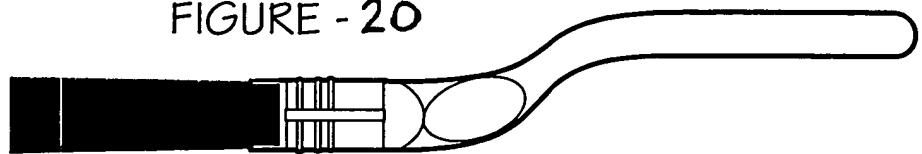


FIGURE - 21

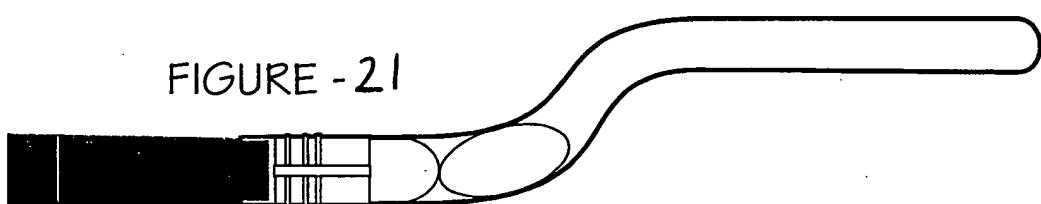


FIGURE - 22

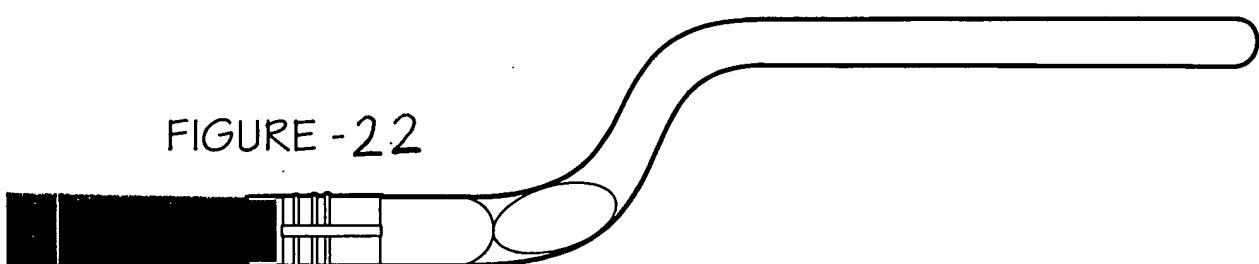
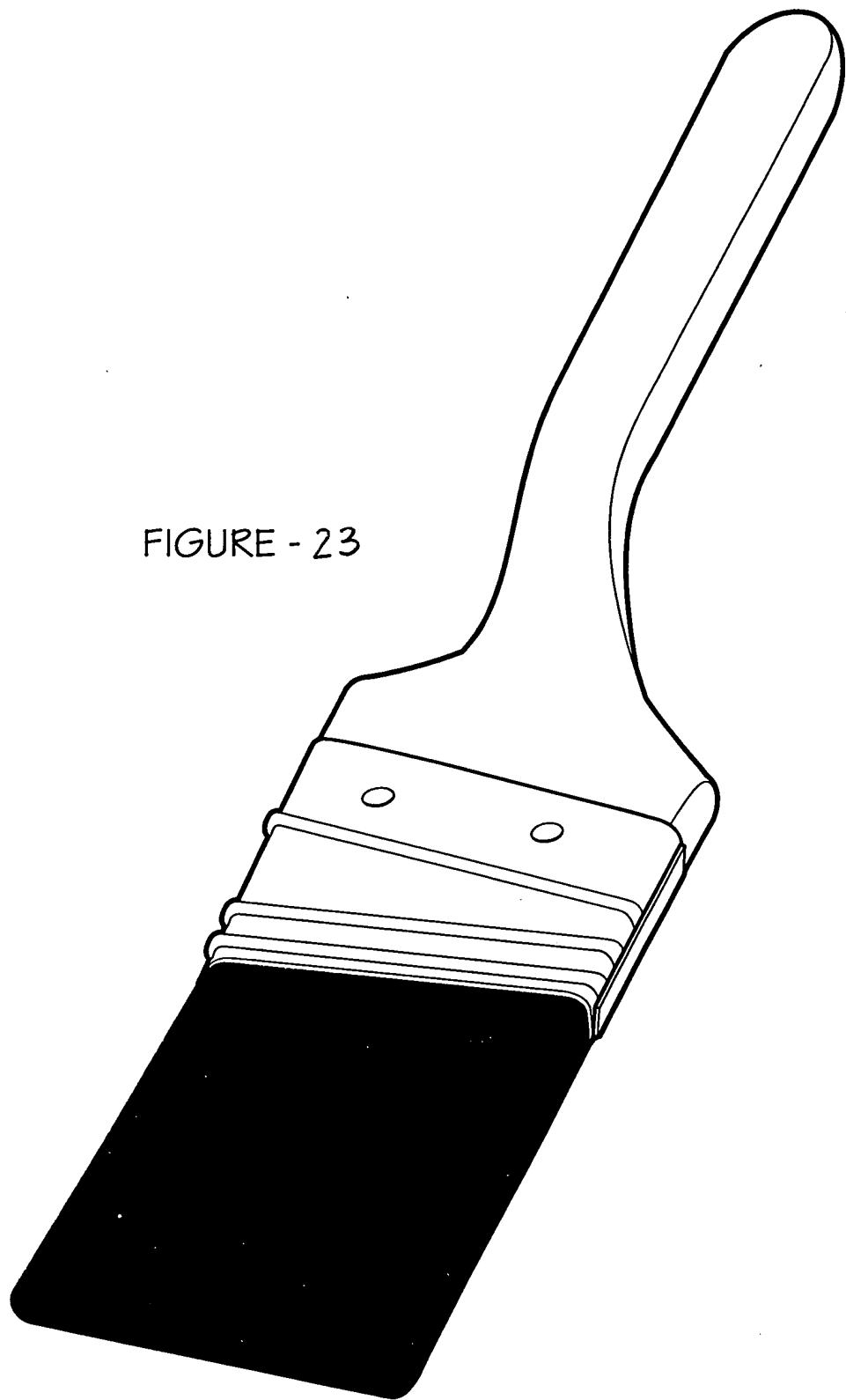


FIGURE - 23



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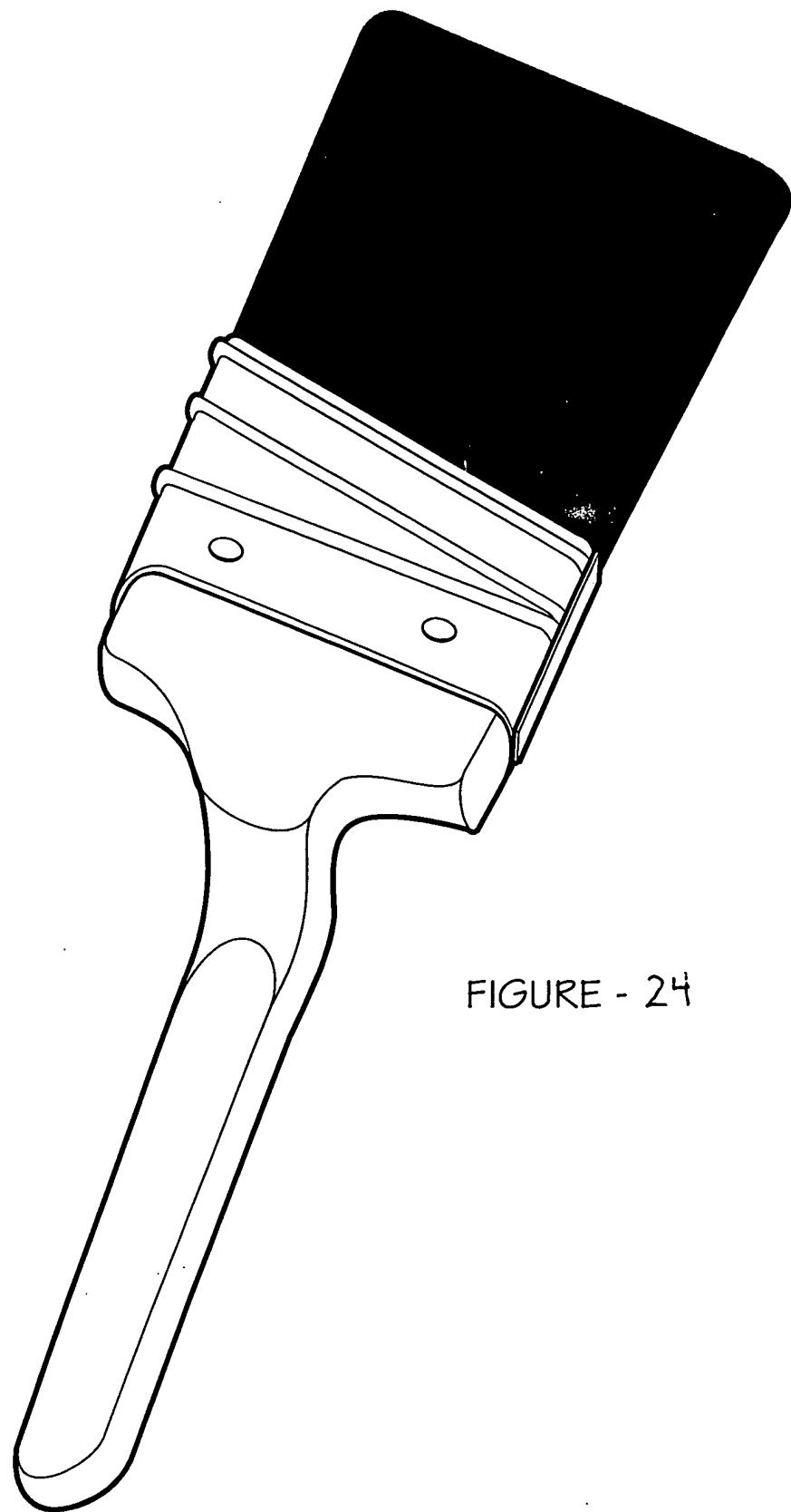
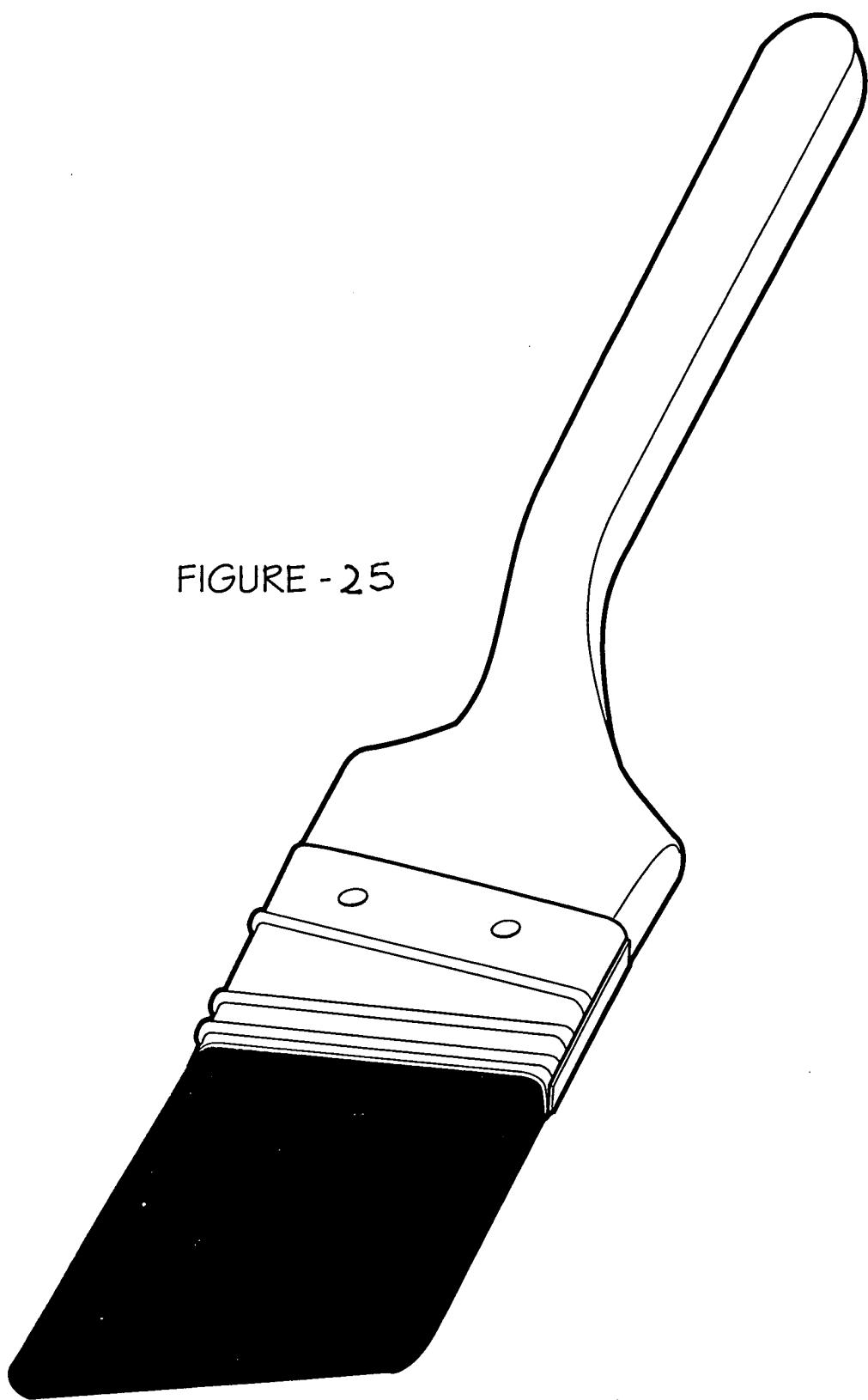


FIGURE - 24

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FIGURE - 25



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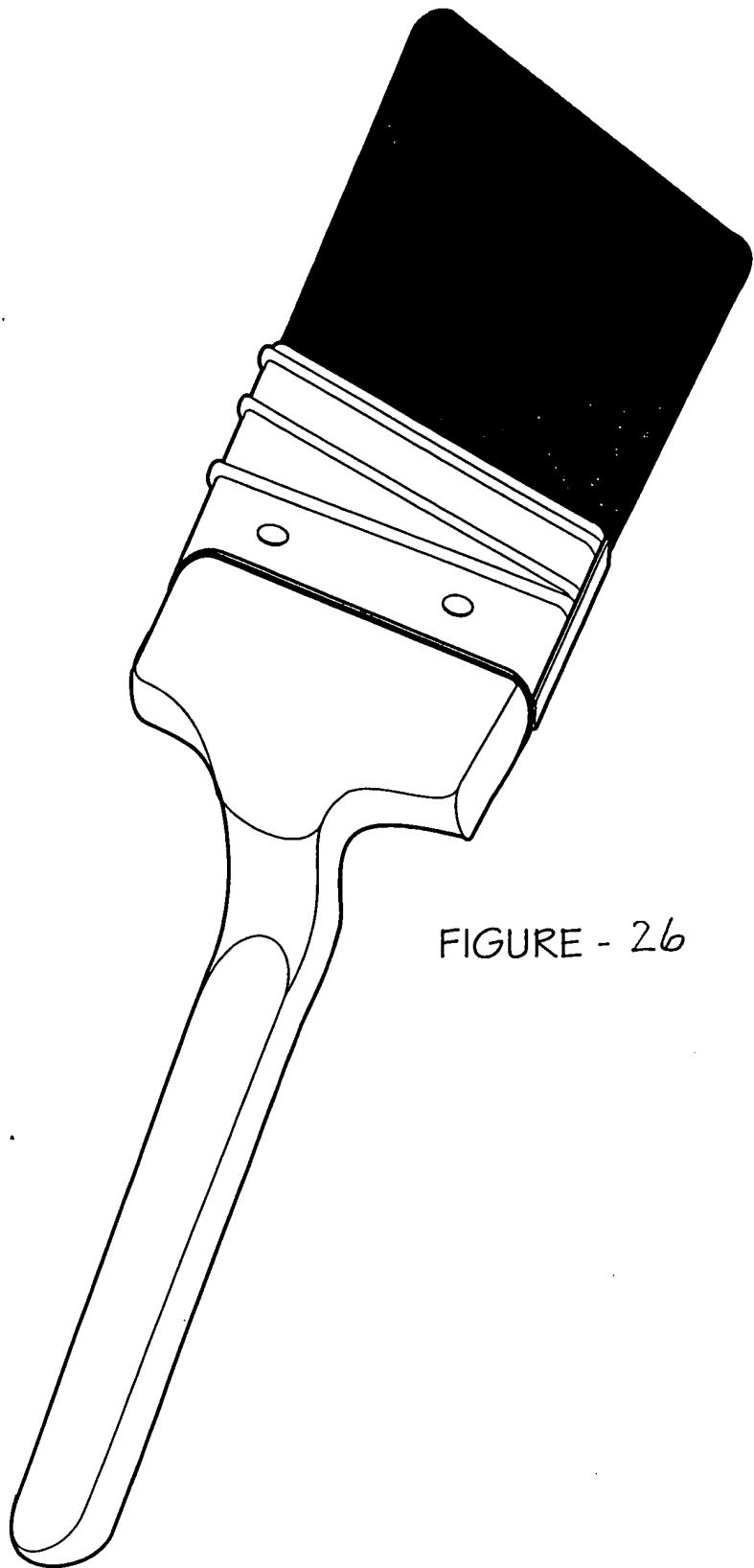


FIGURE - 26

1998-2600